

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

STATE OF GEORGIA and BRAD RAFFENSPERGER,
Georgia Secretary of State, in his official capacity,
Plaintiffs-Appellees,

v.

UNITED STATES DEPARTMENT OF JUSTICE,
Defendant-Appellant.

No. 23-5083

APPELLANT’S STATEMENT OF ISSUES TO BE RAISED

Defendant-appellant hereby provides the following non-binding statement of issues to be raised on appeal:

1. Whether the district court erred in concluding that the Department of Justice had waived attorney work product and deliberative process privileges as to certain records requested by plaintiffs under the Freedom of Information Act (FOIA).

2. Whether the district court erred in concluding that the records at issue are not “inter-agency or intra-agency memorandums or letters” within the meaning of FOIA Exemption 5.

Respectfully submitted,

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MAY 2023

CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2023, I electronically filed the foregoing with the Clerk of Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system. The participants in this case are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.

/s/ Jeffrey E. Sandberg
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